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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,482	08/29/2000	Eric K. Steen	35588/WWM/K163	8579

23363 7590 04/19/2006

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EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,482

Applicant(s)

STEEN ET AL.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Office Action

1. Claims 1-27 are pending in this communication filed 1/26/06 entered as RCE With Amendment and Request for Extension of Time.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/26/06 has been entered.

Claim Objections

3. Claims 1, 5, and 16 are objected to because of the following informalities: Claim 1, line 7 recites "and" which is unnecessary and line 10 is where the "and" should be since it is the last claim limitation. Claim 5, line 3, page 3 recites "configured to generate medication specific label containing". This line would be better recited as "configured to generate a medication specific label containing". Claim 16, page 5, line 13 recites "medication; and". The "and" is unnecessary at the end of this claim limitation. The "and" would be better recited after "patient;" and before "wherein". Appropriate correction is required.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "17" has been used to designate both "Local Database" and "mass storage device"; reference character "31" has been used to designate both "Backup Server" and "backup network"; reference character "27" has been used to designate both "Global Database" and "mass storage device" in figure 1; reference character "41" has been used to designate both "order entry unit" and "order maintenance unit"; reference character "49" has been used to designate both "security" and "security unit" in Figure 2; reference element "215" has been used to designate both "determine amounts of calcium and phosphate" and "determine caloric content of medication" in Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "31" and "33" have both been used to designate "backup server" and reference characters "17" and "27" have both been used to designate "mass

storage device” in figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d).

Specification

6. The Specification is objected to because in Figure 2 reference numbers “15a” and “27” were not described in reference to this drawing figure. Page 5, line 19 recites “client systems 15a-d”. This should be recited “client systems 15a-15d”. Page 6, line 12 has a similar problem. Page 6, lines 34 and 35 reference “mass storage device 27” and the drawing figure labels “27” as “Global database” and page 7, lines 16, 18, and 19 reference element “17” as “mass storage device 17” and lines 29 and 32 reference

element "31" as "backup network" and the drawing label "31" is labeled 'backup server' and line 29 references "backup server" as element "33". It is unclear which these elements are supposed to be labeled in the drawing figures and referenced in the Specification because the drawing figures and the specification are not in agreement. Page 3, lines 25, 29, 30, and 33 reference element "41" as "order maintenance unit" and the drawing figure references element "41" as "order entry unit". Page 9, lines 4, 5, 15, 17-19, 25, 28, and 29; page 10, lines 4 and 10; page 12, line 31; page 13, lines 3, 4, 8, 9, and 13; page 14, lines 8, 15, 19-21; page 15, lines 4, 6, 7, 24, 26, and 27; page 16, line 19; and page 17, lines 9, 12, 16, 17, and 26 have a similar problem. Page 12, lines 5, 7, and 10 references element "49" as "security unit 49" and the drawing figure labels element "49" as "security". Correction is required. See MPEP § 608.01(b).

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Title objection

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "A PHARMACEUTICAL ADMINISTRATIVE SYSTEM FOR ORDERING AND RECEIVING PRESCRIBED MEDICATION". A method is not claimed and the claims are directed to a system.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1, 14, and 16-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14, recites "... a backup network including a backup server, the service center server replicating records ..., the backup server storing the records replicated in a backup database ... not available for a predetermined amount of time". This claim limitation is unclear, vague, and confusing as written. The claim recitation goes from a "backup server" to suddenly a "service center server". There is a disconnect in the claim recitation making the claim limitation unclear, vague, and confusing.

Claims 17-27 recite "The pharmacy client system ..." and claims 1-16 recite "The pharmaceutical administrative system". The preamble of the claims are not in agreement. If Applicants' want the preamble of claims 17-27 to recite "The pharmacy

client system", Applicants' are respectfully requested to make claim 16 and independent claims with the preamble reciting "The pharmacy client system".

Claim 1 recites the limitation "orders for medication" in line 5, page 2 and in line 13 recites "order"; line 9 recites "global database" and a "global database" is not recited any place else in the body of the claim and line 7 recites "service center client" and "service center client" is not recited any place else in the claim. Claim 16 line 6, page 5 recites "... order maintenance and". The other claim limitations recite "order maintenance unit". There is insufficient antecedent basis for these limitations in the claim.

The claims 2-27 that depend on claim 1 are rejected by their dependency.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,070,761; US 5,077,666; US 5,208,762; US 6,317,719; US 4,839,806; US 6,578,003; US 5,748,907; US 5,307,260; US 5,832,488; "CVS To Fill Online Orders For Merck-Medco" by Robert Conlin; and "Development of An Operational Medical Network (MEDNET) Model" by Hamid Ghassemi and Subbarao Wunnava.

Inquiries


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 17, 2006


ELLA COLBERT
PRIMARY EXAMINER